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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/691,264

10/22/2003

Jesse D. Crum

2003-10

5445

7590
Ward/Kraft, Inc.
Attn: Stephanie Hay
2401 Cooper Street
P.O. Box 938
Fort Scott, KS 66701

07/09/2008

EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT

PAPER NUMBER

3725

MAIL DATE

DELIVERY MODE

07/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/691,264	Applicant(s) CRUM, JESSE D.	
	Examiner PRADEEP C. BATTULA	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the reply filed on March 25, 2008

Response to Amendment

Upon further consultation it was found that the Amendment to the specification filed in October 9, 2007 is new matter.

Specification

The amendment filed October 9, 2007 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The term frangible bond is previously defined in the application and then redefined, however, the portion "but leaves the surfaces dry and unable to re-bond after they are separated from one another." is not properly supported. The specification only specifies the drawbacks of wet surfaces and does not provide the support for the dry surfaces and no ability to re-bond either element.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The term “frangibly adhere” is not properly supported by the original specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rea et al. (Rea; U.S. 6,472,056) in view of MSDS and Lalande.

Rea discloses a label having UV curable adhesive 4 wherein the adhesive is cured through a top layer/carrier sheet 2 protecting and opposite of an indicia bearing face stock (Column 6, Lines 11 - 16; Column 7, Lines 5 – 12) which is able to allow UV radiation to pass through and allow for the adhesive to cure and create a label arrangement with a face stock 6 (Column 6, Lines 11 – 24, Column 7, Lines 21 – 34; Figure 1, Items 2,4,6).

Rea does not disclose providing a laminate consisting of a sheet of hang tag material; die-cutting said sheet of hang tag material to form hang tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion; UV curing to cause said adhesive to frangibly adhere to said hang tag material sheet whereby upon removing said major portion of said hang tags from said laminate,

said major portion separates from said carrier sheet free of adhesive but said minor portion remains adhered to said carrier sheet.

The provided MSDS teaches that the adhesive used by applicant was known at the time the invention was made and through the specification is UV cured and forms a completely frangible bond (both surfaces dry) upon a label being removed from a carrier.

Lalande teaches of a method of making a sheet of dry removable die cut tags 13 (Column 2, Lines 28 – 30, 41 – 49; Figure 1, Item 13) comprising providing a laminate consisting of a sheet of tag material 16 and a carrier sheet 11 with the sheets being bonded to each other with adhesive 14 substantially over the entire surface (Column 2, Lines 15 – 28) and wherein when the tags are removed there is no adhesive on the tag (Column 2, Lines 23 - 24, 41 - 49). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide tags with the MSDS adhesive and UV radiation passing layer of Rea in order to provide a true dry technology tag.

Rea modified by MSDS and Lalande does not disclose die-cutting said sheet of hang tag material to form hang tags having a major portion and a minor portion fully contained within, but fully separated from, said major portion.

Good discloses hang tags each of said tags having a major portion and a minor portion 15, with said major portion 16 having a surface area greater than the surface area of said minor portion (Figure 1, Items 15, and 16) and wherein upon removal of said major portion from said first layer, said minor portion does not remain adhered to

said first layer but is meant to be removed from the first layer (Column 3, Lines 61 – 65). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the tags of Lalande with major and minor portions in order to allow for the tags to be hanged on a particular item.

In regards to Claim 6, Lalande modified by Good, Rea, and the MSDS further discloses that the carrier sheet has a thickness of not more than about 7 mils (Column 7, Lines 2 – 4; Rea).

Response to Arguments

Applicant's arguments with respect to claims 6 and 21 have been considered but are moot in view of the new ground(s) of rejection.

With respect to Good, the major and minor portions are die cut and **may** remain with the tag by the uncut attachments. It is not a necessity and since it is a hang tag it is inherent that Good is also intended to have it's minor portion completely detached by the die cut.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 571-272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
July 2, 2008

/Derris H Banks/
Supervisory Patent Examiner, Art Unit 3725